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of Minorities
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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUBCOMMISSION HAS BEEN CONCERNED

Memorandum submitted by the International Labour Office

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I. RATIFICATION OF CONVENTIONS

1. Since the previous session of the Subcommission, there have been a large number of further ratifications of ILO Conventions on subjects relating to the concerns of the Subcommission. The following summarizes the ratifications of those among the ILO's 176 Conventions which are of special relevance for human rights.

Convention	Total ratifications	Since 30 June 1994
Forced Labour		
No. 29	137	El Salvador, San Marino
No. 105	115	Lithuania, San Marino
Discrimination		
No. 100	124	Armenia, Grenada, Lithuania
No. 111	120	Armenia, Lithuania
No. 156	24	Chile, Japan
Freedom of Association		
No. 87	113	Grenada, Lithuania, Namibia
No. 98	125	Lithuania
Migrant Workers		
No. 97	40	-
No. 143	17	-
Indigenous and Tribal Peoples		
No. 107	27	-
No. 169	8	Honduras
Minimum Age		
No. 138	46	-
Vocational Rehabilitation		
No. 159	55	Chile, Dominican Republic, Lithuania, Mali, Pakistan

II. APPLICATION OF CONVENTIONS

2. Within the framework of the regular programme for the supervision of ILO Conventions and Recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its February-March 1995 session, which are contained in its report to the 82nd Session of the International Labour Conference. 1/ This report was in turn discussed by the Conference Committee on the

Application of Conventions and Recommendations, which invited a number of Governments to appear before it so as to give information on points raised by the Committee of Experts. 2/

3. The Committee of Experts also examined reports supplied under article 19, paragraphs 5 and 7, of the ILO Constitution, by member States on the Termination of Employment Convention, 1982 (No. 158) and Recommendation (No. 166). 3/ It drew up a General Survey on the basis of these reports, containing an analysis of the requirements of these instruments and of the measures taken by Governments to implement their provisions.

III. ADOPTION OF NEW STANDARDS

4. At its 82nd session (June 1995), the International Labour Conference adopted the Safety and Health in Mines Convention (No. 176) and Recommendation (No. 183), and a Protocol to the Labour Inspection Convention, 1947 (No. 81). The Conference also held the first discussion on future standards concerning homework.

IV. ACTION AGAINST APARTHEID IN SOUTH AFRICA

5. Following the successful completion of the multiracial elections in April 1994 and the installation of a democratic Government, the 81st Session (1994) of the International Labour Conference formally rescinded the ILO Declaration concerning Action against Apartheid and adopted a revised plan of action concerning the ILO's future work in South Africa.

V. SITUATION OF ARAB WORKERS OF THE OCCUPIED ARAB TERRITORIES

6. Since 1978, the ILO has been monitoring the situation of Palestinian workers and has all along maintained that it can best serve their interests and those of Palestinian employers through the provision of adequate and appropriate technical assistance. The complex and sensitive environment that affected the occupied Arab territories during the past 2½ decades prevented the realization of this objective. However, developments that took place in the last quarter of 1993 on the Palestinian/Israeli scene as well as the subsequent developments heralded the start of a new era of particular significance to the ILO's future role in the occupied Palestinian territories.

7. For the eighteenth consecutive year, the Director-General sent a mission to Israel and the occupied Arab territories with a view to analysing the situation of Arab workers of the occupied Arab territories. The mission was carried out from 24 April to 4 May 1995 and was preceded by a short preparatory mission to the Syrian Arab Republic in order to hold consultations with government authorities, and with employers' and workers' organizations. The report examined the evolution of the situation of the Arab workers living in these territories and the measures taken, if any, by the Israeli authorities following the recommendations made in previous reports. Taking into account the transition situation in which the problems were examined, and in the light of the recent political developments which have taken place, the report considered the various aspects of equality of opportunity and treatment for workers of the occupied Arab territories with regard to the economy and the labour market, including education and training and employment

opportunities, conditions of work, including the social insurance system, the trade union situation, the situation in the Golan, the establishment of Israeli settlements and their impact on living and working conditions, and more particularly the ILO programme of technical cooperation. The report on this subject appeared in an appendix to the Report of the Director-General submitted to the International Labour Conference at its 82nd Session, in June 1995, which considered it at a special sitting of the Conference.

8. The report concluded that, in spite of the efforts that the political leaders are making to advance the peace process, much remains to be done to ensure for Palestinian workers enhanced employment opportunities, economic security and conditions of work that are consistent with international principles and standards.

9. It has been considered that the institution-building and other work in which the ILO is engaged in the territories, in particular the promotion of workers' and employers' organizations, the development of a Palestinian Ministry of Labour and the promotion of tripartite dialogue between the Palestinian Authority and the social partners on social and economic issues, can make a vital contribution to the peace process by underpinning democratic ideals and practices and enhancing dialogue on issues that must be addressed if social justice and peace are to be achieved. In this connection, the report may provide a basis for the formulation of additional programmes.

10. However, it was recalled that the main and most urgent challenge must surely be to create sufficient new jobs to overcome the unemployment and underemployment problems in the territories, and it will be imperative for the ILO and other agencies to redouble their efforts to promote national and international action to improve the current acute employment situation facing the Palestinians, and to promote policies and measures that will enhance employment opportunities. However, before any progress can be made it will be necessary to eliminate the extremism and the acts of violence that have contributed to creating a climate of insecurity which has had a negative impact on the economic conditions of the Palestinians. The peace process will depend on the development of mutual respect between the Israeli and Palestinian authorities, and on the power of the Palestinian Authority to maintain control of the situation in the territories.

11. Responsibility for the success of the peace process, and in particular for creating economic conditions that will facilitate progress towards peace, lies with the Palestinian Authority, with Israel and with the international community as a whole. Therefore, in his report, the ILO's Director-General made an urgent appeal to the international community, and more particularly to the donor countries and institutions, at this crucial moment in Middle East history, to acknowledge and support ILO efforts and programmes that can effectively contribute to the economic development of the territories and the establishment of social justice and peace in the region.

VI. WOMEN WORKERS

12. The promotion of equality of opportunity and treatment for men and women in employment is one of the priority themes in the programme and budget for both 1994/95 and 1996/97. Relevant activities are carried out across the

overall ILO programme and through all means of action, including international labour standards, research, advisory services, meetings, technical cooperation activities and information dissemination.

13. The key areas of ILO action for the advancement of the status of women workers are:

(a) To assist member States in the adoption of comprehensive national strategies for the promotion of full equality for women in employment, as requested by the resolution on ILO action concerning women workers, adopted in 1991. This involves assistance for: the design of national policies and instruments for its implementation; the adoption, revision and enforcement of appropriate legislation, based on international labour standards; the implementation of practical measures, including positive action; and the promotion of tripartite dialogue and involvement concerning equality;

(b) To develop the institutional capacity of member States for the promotion of equality, by strengthening national machineries on equal opportunities, by contributing to gender sensitization in Governments and in employers' and workers' organizations, and by promoting national, regional and international linkages and exchanges of experiences for the development of support networks;

(c) To alleviate poverty and the situation of particularly vulnerable groups of women, by improving women's access to employment, entrepreneurship, training, organization and social protection;

(d) To promote the participation of women in decision-making at all levels, in particular in Governments, and in employers' and workers' organizations.

14. As a culmination of the 1992/93 Interdepartmental Project on Equality for Women in Employment (which was extensively reported on last year to the Subcommission), the ILO has been actively contributing to the Fourth World Conference on Women and its preparatory process. For more details, see attachments: GB.263/4/2 (June 1995), Second Supplementary Report of the Director-General to the Governing Body of the ILO: "The ILO and the Fourth World Conference on Women", as well as ILO Information Bulletin No. 4 (June 1995) on the same subject.*

VII. MIGRANT WORKERS

15. ILO's activities relating to international migration for employment aim at providing support to migrant-sending and migrant-receiving countries in order to help them deal with current priority concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. The promotion of the ILO

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* Available for consultation in the files of the Secretariat.

standards concerning migrant workers is a prominent feature of all activities undertaken. The key concern of these standards is non-discrimination and equality of opportunity and treatment.

16. ILO activities have contributed significantly to the acceptance of the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of most migrant workers remains a matter of concern, particularly in the countries which have not yet ratified any of the relevant Conventions and where national legislation and practice are often far from being consistent with the principles of ILO. The development of migration for employment is becoming the focus of increased attention by the organization's constituents and by the Office. Apart from its ongoing activities related to international migration for employment, such as technical advisory services to emigration countries in the field of setting up coherent emigration and return policies, ILO has engaged in several activities aimed explicitly at promoting the protection of migrant workers and reducing discrimination against these workers.

17. An interregional project was launched to combat discrimination against migrant workers and ethnic minorities in the world of work. This project, which focuses on industrialized migrant-receiving countries, aims at tackling informal or de facto discrimination. Research findings have made it clear that this kind of discrimination is widespread and persistent. Moreover, discrimination in the labour market seriously hampers the migrants' integration into society at large. The objective of the project is to reduce discrimination by informing policy makers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and training activities can be rendered more effective, based on an international comparison of the efficacy of such measures and activities.

18. A major new work item has been launched covering migrant-sending and -receiving countries in Africa, the Americas, Asia and the Pacific, and Europe. The objective of this work is to promote the progressive application of international labour standards concerning migrant workers in these countries, taking into account their institutional and legislative constraints. Its immediate aims therefore are:

(a) To reinforce national capacity in the countries concerned to establish the institutional structures, competence and techniques required to manage the movement of incoming and returning migrant workers; and

(b) To provide support to the countries concerned with a view to achieving broader acceptance and application of international labour standards concerning migrant workers.

VIII. INDIGENOUS AND TRIBAL PEOPLES

19. ILO is responsible for the only two Conventions so far adopted on indigenous and tribal peoples: the Indigenous and Tribal Peoples Convention, 1969 (No. 169) and the Indigenous and Tribal Populations Convention, 1957 (No. 107). Convention No. 169 has now been ratified by eight countries, and

other ratifications are expected shortly. The analysis of its implementation by member States is being carried out as for all other ratified ILO Conventions, and more detailed information has been supplied to the Working Group on Indigenous Populations in this regard.

20. Even though the Convention has few ratifications so far, it is having a practical influence well beyond the number of ratifications. In November 1994, ILO called an inter-agency meeting to coordinate technical work among all the concerned organizations of the United Nations system on indigenous peoples, as it has done before. This series of meetings has resulted in better understanding of the different programmes, for which there is no other formal coordination mechanism, and is an important aspect of the interface between human rights instruments and development assistance. The ILO has also been lending assistance concerning indigenous and tribal peoples to the Russian Federation, Guatemala, the Philippines and other countries which have not yet ratified ILO Conventions on this subject, as well as to countries which have.

21. As a contribution to the International Decade of the World's Indigenous People, a booklet outlining ILO's policies, programmes and means of action for indigenous and tribal peoples has been prepared. ILO is also working with the Centre for Human Rights on other matters relating to the Decade. ILO also participated in the recent workshop on the possible establishment of a permanent forum for indigenous peoples in the United Nations system (Copenhagen, June 1995).

IX. COLLABORATION WITH OTHER INTERNATIONAL ORGANIZATIONS

22. As in the past, the arrangements whereby ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to freedom of association, discrimination in employment and occupation, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within ILO's mandate. ILO regularly takes an active part in the United Nations Commission on Human Rights and in the Subcommission on Prevention of Discrimination and Protection of Minorities, including the Subcommission's Working Groups on Indigenous Populations, and on Contemporary Forms of Slavery, as well as in other working groups such as the Working Group on the Right to Development. It plans to play a similar role as concerns the Working Group on Minorities. ILO also plays a prominent role in various treaty bodies established to supervise United Nations human rights instruments, i.e. the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. ILO is cooperating with the United Nations in follow-up to the World Conference on Human Rights (Vienna, 1993) and the International Conference on Population and Development (Cairo, 1994), and hopes to be a catalyst for debate on the situation of women's employment at the forthcoming Fourth World Conference on Women. The 1995 World Summit for Social Development gave ILO a leading role in action concerning employment.

23. Collaboration continued between the ILO, its International Training Centre in Turin, Italy and the Centre for Human Rights through the joint working group for consultation and collaboration in relation to advisory services and technical cooperation and human rights questions.

Notes

1/ International Labour Conference, 82nd session, 1995: Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the United Nations Centre for Human Rights and are available on request for members of the Subcommission.

2/ Report of the Committee on the Application of Standards, Provisional Record 24, International Labour Conference, 82nd Session, 1995.

3/ International Labour Conference, 82nd session, 1995: Report III (Part 4B), Protection against unjustified dismissal.